

1 UNITED STATES DISTRICT COURT
2

DISTRICT OF NEVADA

3 BRUCE BIRCH,

4 Plaintiff,

Case No. 3:20-cv-00485-RCJ-CLB

5 v.

6 ARMUNCCHI, et al.,

7 Defendants.

ORDER

9
10 The Court takes judicial notice of the suggestion of death filed in case (3:19-cv-
11 00043-MMD-CLB at ECF No. 150) as to Plaintiff Bruce Birch (#61203).

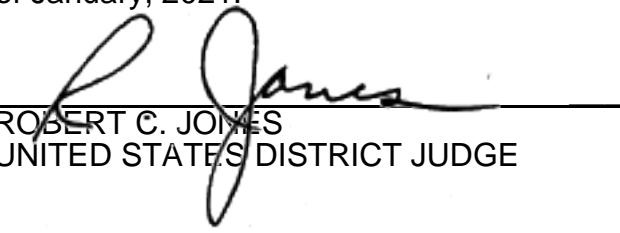
12 Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim
13 is not extinguished, the court may order substitution of the proper party. A motion for
14 substitution may be made by any party or by the decedent’s successor or representative.
15 If the motion is not made within 90 days after service of a statement noting the death, the
16 action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1). As such,
17 if there is no motion for substitution filed within ninety (90) days from the date of this order,
18 the Court will dismiss the case.

19 **IT IS ORDERED** that the Court will dismiss this case in ninety (90) days from the
20 date of this order if there is no motion for substitution filed pursuant to Federal Rule of
21 Civil Procedure 25(a)(1).

22 **IT IS FURTHER ORDERED** that pending motions at (ECF Nos. 3 and 4) are
23 DENIED with leave to refile within seven days from the Court’s order granting any motion
24 to substitute proper party.

25 **IT IS FURTHER ORDERED** that the application to proceed *in forma pauperis* (ECF
26 No. 1) is DENIED as MOOT.

27 **IT IS SO ORDERED** this 15th day of January, 2021.

28 
ROBERT C. JONES
UNITED STATES DISTRICT JUDGE